

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

*

v.

*

Criminal Action No. RDB-11-353

DERICK FALLIN,

*

Defendant.

*

* * * * *

MEMORANDUM ORDER

Before this Court is the Defendant Derick Fallin's Motion for Compassionate Release and Reduction in Sentence as Well as Appointment of Counsel (ECF No. 377), which was filed on June 23, 2021.¹ While the Motion was pending, Fallin was released. *See Find an Inmate*, FEDERAL BUREAU OF PRISONS, <https://www.bop.gov/inmateloc/#> (search by register number 16127-013).

Accordingly, the Court can no longer grant Defendant's requested relief, early release from prison. "Simply stated, a case is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." *Incumaa v. Ozmint*, 507 F.3d 281, 286 (4th Cir. 2007) (quoting *Powell v. McCormack*, 395 U.S. 486, 496 (1969)).

The Fourth Circuit Court of Appeals has determined that requests for compassionate release under § 3582 are rendered moot when an inmate is released. *See United States v. Banks-Davis*, No. 21-6550, 2021 U.S. App. LEXIS 31869, 2021 WL 4936206, at *1 (4th Cir.

¹ Also pending on this docket are a Motion for Leave to Appeal in Forma Pauperis (ECF No. 349) and a Motion to Supplement (ECF No. 370) concerning the Motion to Vacate Under 28 U.S.C. § 2255 (ECF No. 350), which this Court denied by previous Memorandum Opinion and Order (ECF Nos. 368, 369). Both of these Motions (ECF No. 349, 370) shall be STRICKEN AS MOOT.

Oct. 22, 2021) (citing *United States v. Chestnut*, 989 F.3d 222, 224–25 (2d Cir. 2021)); *see also* *United States v. Jackson*, No. 22-7140, 2023 U.S. App. LEXIS 19100, 2023 WL 4758733, at *1 (4th Cir. July 26, 2023) (“Because Jackson has already served his term of imprisonment, there is no longer a live controversy regarding the orders denying his motions for compassionate release and for reconsideration.”).

As the Court now lacks subject matter jurisdiction to hear this matter, Defendant Derick Fallin’s Motion for Compassionate Release and Reduction in Sentence as Well as Appointment of Counsel (ECF No. 377) is DENIED AS MOOT; and Fallin’s Motion for Leave to Appeal in Forma Pauperis (ECF No. 349) and Motion to Supplement (ECF No. 370) are STRICKEN AS MOOT. It is SO ORDERED this 25th day of July, 2024.

/s/
Richard D. Bennett
United States Senior District Judge